

NEW YORK CONSOLIDATED LAW SERVICE

*** THIS SECTION IS CURRENT THROUGH CH. 696, 11/05/2003 ***
*** WITH THE EXCEPTION OF CHS. 2, 3, 443, 480, 512, 609, 628 and 636 ***

SOCIAL SERVICES LAW
ARTICLE 10-C. STATE COUNCIL ON CHILDREN AND FAMILIES

§ 483. Council on children and families; chair

1. There shall be a council on children and families established within the office of children and family services consisting of the following members: the state commissioner of children and family services, the commissioner of temporary and disability assistance, the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the commissioner of the office of alcoholism and substance abuse services, the commissioner of education, the state director of probation and correctional alternatives, the commissioner of health, the commissioner of the division of criminal justice services, the state advocate for persons with disabilities, the director of the office for the aging, the commissioner of labor, and the chair of the commission on quality of care for the mentally disabled. The governor shall designate the chair of the council and the chief executive officer (CEO).

2. The chair of the council in consultation with the commissioner of the office of children and family services, shall designate staff from the office of children and family services to work full time in carrying out the functions of the council.

3. The council may conduct its meetings and, by and through the chair, perform its powers and duties notwithstanding the absence of a quorum; provided, however that no action may be taken by the council without the concurrence of the chair.

HISTORY: Add, L 2003, ch 62, § 2 (Part F2), eff May 15, 2003, deemed eff April 1, 2003.

§ 483-a. Utilization of other agency assistance

To effectuate the purposes of this article, any department, division, board, bureau, commission or agency of the state or of any political subdivision thereof shall, at the request of the chair, provide to the council such facilities, assistance and data as will enable the council properly to carry out its powers and duties and those of the chair.

HISTORY: Add, L 2003, ch 62, § 2 (Part F2), eff May 15, 2003, deemed eff April 1, 2003.

§ 483-b. Powers and duties of council

1. As used in this section, the terms "care", "services", "programs", and "services programs" shall mean and include care, maintenance, services and programs provided to children of the state and their families by or under the jurisdiction of a member agency. The term "member agency" shall mean an agency headed by a member of the council.

2. The council shall have the following powers:

(a) to identify problems and deficiencies in residential care and community-based services programs and, on a selective basis, to plan and make recommendations to the governor for the remedy of such problems and deficiencies and for the development of programs of care and services for children and their families;

(b) to make recommendations to improve coordination of program and fiscal resources of state-local, public-voluntary care and services to children and their families;

(c) to coordinate program and management research of member agencies for the purpose of monitoring, evaluating or redirecting existing care and services programs or developing new programs, and to conduct, sponsor, or direct member agencies to undertake such research or other activities;

(d) to review and resolve differences, if any, concerning rules and regulations of each member agency insofar as such rules and regulations impact on services programs provided by other member agencies;

(e) to promulgate, amend and rescind rules and regulations relating to the administration and performance of the powers and duties of the council pursuant to this article;

(f) to review significant state and locally operated and supported care and services, plans and proposals for new services for children and families to determine whether such services are planned, created and delivered in a coordinated, effective and comprehensive manner;

(g) to perform all other things necessary and convenient to carry out the functions, powers and duties of the council and to effectuate the purposes of this article; and

(h) to accept and expend any grants, awards, or other funds or appropriations as may be available to the council to effectuate the purposes of this article, subject to the approval of the director of the budget.

3. The council shall review the budget requests of member agencies insofar as such budgets jointly affect services programs for children and their families and shall make comments and recommendations thereon to the relevant member agencies and the governor.

4. (a) The council shall meet on a regular basis to implement the purposes of this article and to discuss and resolve disputes, including but not limited to disputes between member agencies, relating to their functions, powers and duties over the provision of services to particular children and their families or to categories of children or child and family problems when all the internal statutory and administrative grievance or appeal procedures applicable to a member agency have failed to finally resolve such dispute. The council shall direct each member agency to establish and maintain such grievance or appeal procedures.

(b) The council shall direct member agencies to provide an evaluation, including a diagnostic study, of a particular child and his or her family when there is a dispute as to the appropriate agency or program in which the child should be placed or from which the child and his or her family should receive services, and, following such study, the council shall order placement of a child with a member agency, or with a social services official, or order a member agency to provide or require the provision of services to the child and his or her family in a manner consistent with the legal authority of the member agency or social services official, as applicable.

(c) The council shall direct member agencies to take appropriate direct action or to exercise their supervisory powers over local officials and agencies, in the resolution of such disputes.

(d) The duty of the council to resolve disputes involving particular children may be performed on a selective basis within the discretion of the council. Exercise of jurisdiction over such disputes by the council or appeals to the council therefor shall not be required as a condition precedent to the initiation of a proceeding pursuant to article seventy-eight of the civil practice law and rules.

(e) A dispute relative to which member agency shall have the responsibility for determining and recommending adult services pursuant to sections 7.37 and 13.37 of the mental hygiene law, section three hundred ninety-eight-c of the social services law, or subdivision ten of section forty-four hundred three of the education law shall be resolved in accordance with this subdivision.

5. (a) Notwithstanding any other provision of state law to the contrary, the council may request any member agency to submit to the council and such member agency shall submit, to the extent permitted by federal law, all information in the form and manner and at such times as the council may require that it is appropriate to the purposes and operation of the council.

(b) The council shall protect the confidentiality of individual identifying information submitted to or provided by the council, and prevent access thereto, by, or the distribution thereof to, persons not authorized by law.

HISTORY: Add, L 2003, ch 62, § 2 (Part F2), eff May 15, 2003, deemed eff April 1, 2003.

§ 483-c. Coordinated children's services for children with emotional and/or behavioral disorders

1. Purpose. The purpose of this section shall be to establish a coordinated system of care for children with emotional and behavioral disorders, and their families, who require assistance from multiple agency systems to appropriately maintain such children with their families, in their communities and in their local school systems. Such system of care shall provide for the effective collaboration among state and local health, mental hygiene, education, juvenile justice, probation of care and other human services agencies directed at improving outcomes for children with emotional and/or behavioral disorders and their families leading to full participation in their communities and schools. This shall include children with co-occurring disorders. The absence of coordinated care often results in inappropriate and costly institutional placements and limited community-based services that support maintaining the child in the community. Establishing the coordinated children's services initiative statewide is intended to improve the manner in which services of multiple systems are delivered and to eliminate barriers to a coordinated system of care.

2. Definitions. As used in this section:

(a) "Child with an emotional and/or behavioral disorder" shall mean a person under eighteen years of age, or a person under twenty-one years of age who has not completed secondary school, who has a mental illness, as defined in subdivision twenty of section 1.03 of the mental hygiene law, or is classified as a student with a disability pursuant to article eighty-nine of the education law or section 504 of the federal rehabilitation act, or is considered to have a serious emotional or behavioral problem, as considered by a tier I and/or tier II team representative pursuant to this section. Such term shall include children with co-occurring disorders.

(b) "Individualized family support plan" shall mean a plan developed in conjunction with the family through a strength-based child and family assessment containing a summary of the strengths, needs and goals of a child with an emotional and/or behavioral disorder, and the services and supports agreed to by the child, family and the tier I team representatives.

(c) "Family" shall mean, when appropriate, a child with an emotional and/or behavioral disorder, his or her parents or those in parental relationship to the child, blood relatives and extended family, including non-relatives identified by the child and/or parents. Nothing in this section shall be construed to deny the child, his or her parents or those persons in parental relationship to the child of any rights they are otherwise entitled to by law.

(d) "County" shall mean a county, except in the case of a county that is wholly included within a city, such term shall mean such city.

(e) "Family support representative" shall mean a volunteer who is also a parent or primary caregiver of a child with an emotional and/or behavioral disorder. The family support representative shall assist families throughout the process of developing and implementing an individualized family support plan as defined in this section.

3. Interagency structure.

(a) There shall be established a three tiered interagency structure, as follows:

(i) State tier III team. There is hereby established a state team designated as the "tier III team", which shall consist of the chair of the council, the commissioners of children and family services, mental health, health, education, alcohol and substance abuse services, and mental retardation and developmental disabilities, and the director of probation and correctional alternatives, or their designated representatives, and representatives of families of children with emotional and/or behavioral disorders. Other representatives may be added at the discretion of such team.

(ii) County tier II team. A county, or consortium of counties, choosing to participate in the coordinated children's services initiative shall establish an interagency team consisting of, but not limited to, the local commissioners or leadership assigned by the chief elected official responsible for the local health, mental hygiene, juvenile justice, probation and other human services systems. The education system shall be represented by the district superintendent of the board of cooperative educational services, or his or her designee, and in the case of the city of New York, by the chancellor of the city school district of the city of New York, or his or her designee, and appropriate local school district representatives as determined by the district superintendent of the board of cooperative educational services or such chancellor. Such team shall be sensitive to issues of cultural competence, and shall include representatives of families of

children with an emotional and/or behavioral disorder. Regional state agency representatives may participate when requested by such team.

(iii) Family-based tier I team. Tier II teams, in cooperation with a child with an emotional and/or behavioral disorder and his or her family, shall establish interagency teams to work with such child and family to develop an individualized, strength-based family support plan and coordinate interagency services agreed to in such plan. Such teams shall include such child and family and, based on the needs of the child and family, should also include a family support representative, representatives from the mental hygiene, education, juvenile justice, probation, health, and other county child and family services systems.

(b) Roles and responsibilities of teams.

(i) The state tier III team shall coordinate statewide implementation of the coordinated children's services initiative. Such team shall:

(A) coordinate planning across the health, mental hygiene, education, juvenile justice, probation and human services systems;

(B) address barriers to the effective delivery of local interagency services;

(C) coordinate the provision of technical assistance and training for the effective implementation of the coordinated children's services initiative;

(D) develop an appropriate reporting mechanism to track the outcomes being achieved. Such mechanism shall be developed in concert with participating counties; and

(E) report results and recommendations for change to the governor, legislature and state board of regents, as appropriate.

(ii) The tier II teams shall coordinate the coordinated children's services initiative at the local level. Such team shall:

(A) coordinate cross-systems training and provide linkages to other county and school district planning for children;

(B) address local/regional barriers to the coordination of services;

(C) report on state level barriers to the effective delivery of coordinated services and recommended changes to the state tier III team;

(D) report on outcomes using the mechanism developed by the state tier III team;

(E) implement the goals and principles of the coordinated children's services initiative; and

(F) make monies available consistent with subdivision five of this section.

(iii) Each tier I team shall work collaboratively with the family to develop an individualized family support plan that is:

(A) family-focused and family driven;

(B) built on child and family strengths; and

(C) comprehensive, including appropriate services and supports from appropriate systems and natural supports from the community.

4. Goals and principles of operation.

(a) Goals. The coordinated children's services initiative shall enable children with emotional and/or behavioral disorders, whenever appropriate for the child and family to:

(i) reside with their families;

(ii) live and participate successfully in their communities;

(iii) attend and be successful in their local school systems; and

(iv) grow towards becoming independent, contributing members of the community.

(b) Principles of operation. The tier III and II teams shall provide a system for serving children with emotional and/or behavioral disorders that is:

(i) community-based, allowing children and families to receive services close to their home;

(ii) culturally competent;

(iii) individualized and strengths-based in approach;

(iv) family friendly, involving the family as full and active partners at every level of decision making, including policy development, planning, treatment and service delivery;

(v) comprehensive, involving all appropriate parties, including but not limited to the family, child, natural supports, provider agencies and other necessary community services;

(vi) funded through multiple systems with flexible funding mechanisms that support creative approaches;

(vii) unconditionally committed to the success of each child; and

(viii) accountable with respect to use of agreed on and measured outcomes.

5. Funding. Counties and school districts, including boards of cooperative educational services as requested by component school districts, choosing to participate in the coordinated children's services initiative, unless expressly prohibited by law, shall have the authority to:

(a) combine state and federal resources of the participating county and educational agencies to provide services to groups or individual children and their families necessary to maintain children with emotional and/or behavioral disorders in their homes, communities and schools, and support families in achieving this goal, as long as the use of the funds is consistent with the purposes for which they were appropriated; and

(b) apply flexibility in use of funds, pursuant to an individualized family-support plan, or for collaborative programs, an agreement among the county, city and school districts or the board of cooperative educational services, monies combined pursuant to paragraph (a) of this subdivision may be used to allow flexibility in determining and applying interventions that will address the unique needs of the family. The tier III team shall develop guidelines for the flexible use of funds in implementing an individualized family support plan.

6. Administration and reports. The council shall be responsible for the administration of the provisions of this section.

(a) The tier III team shall submit a report to the council detailing the effectiveness in reaching the goals and objectives of the program established by this section. Such report shall include recommendations, based on the experience gained pursuant to the provisions of this article, for modifying statewide policies, regulations or statutes. The council shall forward such report to the governor, the legislature and the state board of regents on or before the first day of July of each year, including the recommendations of the tier III members regarding the feasibility and implications of implementing the recommendations.

(b) The tier III team shall have authority to receive funds and work within agency structures, as agreed to by member agencies, to administer funds for the purposes of carrying out its responsibilities.

(c) Parents and representatives of families, who are not compensated for attendance as part of their employment, shall be compensated for their tier III team participation and reimbursed for actual expenses, including, but not limited to, child care.

7. Confidentiality.

(a) Notwithstanding any other provision of state law to the contrary, tier I, II and III team participants in the coordinated children's services system shall have access to case record and related treatment information as necessary to support the purposes of this section, to the extent permitted by federal law.

(b) Tier I, II and III team participants shall protect the confidentiality of all individual identifying case record and related treatment information, and prevent access thereto, by, or the distribution thereof to, other persons not authorized by State or federal law.

HISTORY: Add, L 2003, ch 62, § 2 (Part F2), eff May 15, 2003, deemed eff April 1, 2003.